

amendment as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Walker as a substitute for the amendment offered by Mr. Burton of Indiana, as amended: In lieu of the matter proposed to be inserted, insert the following:

"Limitation on Assistance". Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to the Communist Party of South Africa or any affiliated or associated organization. . . .

MR. WALKER: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

THE CHAIRMAN PRO TEMPORE: Pursuant to clause 2(c), rule XXIII, the Chair announces that he will reduce to 5 minutes the time for a recorded vote, if ordered, on the Burton amendment, as amended, if the vote occurs immediately following the pending vote, and then the postponed vote on the Bereuter amendment, immediately thereafter, will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 279, noes 134, not voting 19. . . .

THE CHAIRMAN PRO TEMPORE: The pending business is the vote on the amendment offered by the gentleman from Indiana [Mr. Burton], as amended.

The amendment, as amended, was agreed to.

THE CHAIRMAN PRO TEMPORE: The pending business is the vote on the amendment offered by the gentleman from Nebraska [Mr. Bereuter], on which a recorded vote is ordered.

This vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22.

## **§ 58. Separate Votes on Amendments in the House**

### ***Amendments Adopted in Committee of the Whole and Reported Back to the House***

**§ 58.1 Where demand is made for separate votes in the House on several amendments adopted in the Committee of the Whole, the amendments are voted on in the order in which they appeared in the bill.**

The order of voting in the House on amendments reported from the Committee of the Whole normally mirrors that of their sequence in the bill. However, the order may be varied by terms of a special rule providing for the consideration of the bill and structuring the amendment process.

One frequently utilized form of special order occurs where a bill being considered in the Committee of the Whole House on the state of the Union has a complete amendment in the nature of a substitute. The customary rule

would permit the substitute to be read as the original bill and would provide that amendments adopted to it be reported to the House for separate votes. Such a rule was utilized for the consideration of H.R. 3950, the Food and Agricultural Resources Act of 1990. When the Committee of the Whole had completed its consideration of the measure, the Chairman<sup>(12)</sup> reported the bill back to the House, pursuant to the rule, as follows:<sup>(13)</sup>

THE CHAIRMAN: Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Hughes] having assumed the chair, Mr. Bonior, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3950) entitled the "Food and Agricultural Resources Act of 1990," pursuant to House Resolution 439, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER PRO TEMPORE:<sup>(14)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

12. David E. Bonior (Mich.).

13. 136 CONG. REC. 21593, 101st Cong. 2d Sess., Aug. 1, 1990.

14. William J. Hughes (N.J.).

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, I demand a separate vote on the amendments offered by the gentleman from Illinois [Mr. Madigan to titles IX and X adopted in the Committee of the Whole en bloc.

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment?

MR. [RICHARD (DICK)] ARMEY [of Texas]: Mr. Speaker, I demand a separate vote on every amendment adopted in the Committee of the Whole after titles IX and X.

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment? If not, the Clerk will report the first amendments on which a separate vote has been demanded in the order appearing in the bill.

The Clerk read as follows:

Amendments en bloc: Section 107A of the Agricultural Act of 1949, as amended by section 901 of the bill, is amended by:

In subsection (a)(3)(C) (page 193, lines 4 and 5) striking "not to exceed 5 percent" and inserting "not to exceed 10 percent"; and

In subsection (c)(1)(E)(ii) (page 200, at lines 11 and 12 and at lines 16 and 17) striking "7.5 percent (10 percent in the case of the 1994 and 1995 crops)" and inserting at those two points "22.5 percent".

Section 105A of the Agricultural Act of 1949, as amended by section 1001 of the bill, is amended by:

In subsection (a)(3)(C) (page 226, lines 16 and 17) striking "not to exceed 5 percent" and inserting "not to exceed 10 percent"; and

In subsection (c)(1)(E)(ii) (page 233, lines 17 and 18, and line 22)

striking "15 percent and inserting at those two points "17.5 percent". . . .

THE SPEAKER PRO TEMPORE: The question is on the amendment en bloc.

The amendments en bloc were agreed to.

MR. ARMEY: Mr. Speaker, I ask unanimous consent to withdraw my earlier request.<sup>(15)</sup>

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Texas?

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

### ***To Withdraw Demand for Separate Vote***

### **§ 58.2 Where separate votes are demanded on several amendments reported from the Committee of the Whole, the Speaker puts the question on each amendment in the order in which it appears in the bill, and not in the order in which a separate vote is demanded.**

On May 28, 1987,<sup>(16)</sup> the House received the report of the Chairman of

15. See the proceedings at 133 CONG. REC. 14030, 100th Cong. 1st Sess., May 28, 1987.

16. 133 CONG. REC. 14030, 100th Cong. 1st Sess.

the Committee of the Whole on the bill H.R. 1451, the Older Americans Act Amendments of 1987. Separate votes were demanded on 10 amendments, but the requests were later withdrawn. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:<sup>(17)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

MR. [DALE E.] KILDEE [of Michigan]: Mr. Speaker, I demand a separate vote on the Armeay amendment, as amended.

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I demand separate votes on each of the following amendments; the Kildee technical amendments; the Tauke amendment relating to repealing title VII; the Roybal amendment clarifying minority targeting provisions; the Snowe amendment, including adult day care as possible activities; the Pepper amendment requiring States that receive funds under the act to have an elder abuse and prevention program; the Biaggi amendment, reducing the transfer authority; the Gunderson amendment to require technical data collection on rural/urban participation; the Bonker amendment and the Roybal amendment authorizing \$2 million more.

THE SPEAKER PRO TEMPORE: Is the gentleman asking for a separate vote

17. John P. Murtha (Pa.).

on each of the amendments he has named?

MR. SENSENBRENNER: Yes, Mr. Speaker.

MR. KILDEE: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. KILDEE: To ask for the yeas and nays, one-fifth of those will have to stand for the yeas and nays; is that not the case? We will put the question on the Arney amendment first, and then if enough Members stand for the yeas and nays, then a recorded vote will be called for?

THE SPEAKER PRO TEMPORE: The amendments will be put in the order in which they appear in the bill.

MR. KILDEE: In each case, then, the Speaker will ask for a sufficient number to stand to see whether or not the yeas and nays will be ordered?

THE SPEAKER PRO TEMPORE: That is correct.

MR. KILDEE: Mr. Speaker, I have another parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. KILDEE: At that point, does the Chair have it within his power to reduce the interim between votes to 5 minutes?

THE SPEAKER PRO TEMPORE: Not without unanimous consent.

MR. KILDEE: I thank the Chair.

THE SPEAKER PRO TEMPORE: The Clerk will report the first amendment appearing in the bill on which a separate vote has been demanded. . . .

MR. KILDEE . . . So for that reason, I withdraw my request for a separate

vote on the Arney amendment, as amended, in the House.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, objection.

THE SPEAKER PRO TEMPORE: Unanimous consent is not required.

The gentleman from Michigan withdraws his request.

Does the gentleman from Wisconsin withdraw his requests?

MR. SENSENBRENNER: Mr. Speaker, based upon the request of the gentleman from Michigan and with the understanding that we will not be having a separate vote on the Arney amendment—

THE SPEAKER PRO TEMPORE: The gentleman has already made the withdrawal.

MR. SENSENBRENNER: Mr. Speaker, I withdraw my request for a separate vote on the other nine amendments.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin withdraws his requests.

The question is on the amendment.

The amendment was agreed to.

### *Varying Order of Voting by Unanimous Consent*

#### **§ 58.3 Separate votes in the House on amendments reported from the Committee of the Whole are taken in the order in which they appear in the bill, but by unanimous consent that order of voting may be changed.**

On June 23, 1987,<sup>(18)</sup> in the first session of the 100th Congress,

**18.** 133 CONG. REC. 17090, 17091, 100th Cong. 1st Sess.

separate votes were demanded in the House on all amendments reported to the House from the Committee of the Whole. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:<sup>(19)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

MR. [JOHN] MILLER of Washington: Mr. Speaker, I demand a separate vote on the so-called Herger amendment.

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment?

MR. [WALLY] HERGER [of California]: Mr. Speaker, I demand a separate vote on the following amendments:

The Levine amendment regarding the Pan American Health Organization;

The Richardson amendment regarding Cuban political prisoners;

The Richardson amendment concerning human rights abuses in Ethiopia and Paraguay;

The Oberstar amendment regarding consulates in Germany, Sweden, Italy, France, and Austria; and

The Neal amendment, as amended, regarding Japanese defense expenditures.

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment?

The Chair will put the votes in the following order; first, the Levine

amendment; second, the Oberstar amendment; third, the Richardson amendment No. 6; fourth, the Richardson amendment No. 8; fifth, the Herger amendment; and sixth, the Neal amendment.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. FRENZEL: Will the Clerk read the amendments prior to the vote on each?

THE SPEAKER PRO TEMPORE: The Clerk will report each amendment in the order in which they appear in the bill.

MR. FRENZEL: I thank the Chair.

THE SPEAKER PRO TEMPORE: The Clerk will report the first amendment on which a separate vote has been demanded.

MR. [DANIEL A.] MICA [of Florida]: Mr. Speaker, I ask unanimous consent that following a record vote on this amendment the time for record votes on the remaining amendments be reduced to 5 minutes.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Florida?

MR. HERGER: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the next amendment on which a separate vote has been demanded.

MR. MICA: Mr. Speaker, I ask unanimous consent that the Herger amendment, which would have been the last amendment, be voted on out of order

19. Tony Coehlo (Calif.).

as the next amendment, and that after that, without prejudice to the outcome of that vote, each of the remaining votes on amendments be reduced to 5 minutes.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Florida?

There was no objection.

THE SPEAKER PRO TEMPORE: The Clerk will report the Herger amendment.

### ***Order of Voting Altered by Special Rule***

**§ 58.4 Where a “modified closed” rule prescribes the order for consideration of amendments with the bill considered as read in the Committee of the Whole, then separate votes demanded in the House on adopted amendments are taken in that same order, regardless of the order in which the amendments appear in the bill.**

Where a special order determines the order of consideration of amendments in Committee of the Whole, the Speaker, in putting the question on separate votes on the adopted amendments back in the House, follows the dictates of the rule. An example of such a rule and of the pattern of voting occurred on Mar. 25, 1993.<sup>(20)</sup> On this occasion, the

<sup>20</sup> 139 CONG. REC. 6358, 6359, 103d Cong. 1st Sess.

order for voting and the order of appearance of the amendments in the bill coincided, but the numbers given the amendments in the rule (numbers 1, 2, and 3) would govern if there were a conflict. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:<sup>(1)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole?

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I demand a separate vote on the following amendments adopted in the Committee of the Whole: No. 1, the DeLay amendment requiring counselors to be professionals who have degrees in medicine or mental health, as amended by the Waxman amendment; No. 2, the so-called Waxman amendment regarding the conscience clause; and No. 3, the so-called Burton of Indiana amendment regarding condom standards, as amended by the Waxman amendment.

Mr. Speaker, I demand separate votes on those three amendments.

THE SPEAKER PRO TEMPORE: The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 2, line 18, insert before the period the following: “, and that such information will be provided only through individuals holding professional degrees in medicine or osteopathic medicine, nursing, clinical psychology, the allied health professions, or social work,

<sup>1</sup> Owen B. Pickett (Va.).

through individuals meeting such other criteria as the Secretary determines to be appropriate for providing such information, or through individuals allowed under State law to provide such information”.

THE SPEAKER PRO TEMPORE: The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. . . .

So the amendment was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 3, strike lines 1 through 5 and insert the following:

“(B) the project refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information.

THE SPEAKER PRO TEMPORE: The question is on the amendment. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the final amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 4, after line 3, insert the following subsection:

(c) Information on Condoms.—Section 1001 of the Public Health Service Act, as amended by subsection (a) of this section, is amended by inserting after subsection (b) the following subsection:

“(c) The Secretary may not make an award of a grant or contract under this section unless the applicant for the award agrees that the

family planning project involved will—

### ***Order of Voting Where Special Order Provides “King of the Mountain” Process***

**§ 58.5 Under the “King of the Mountain” amendment procedure, if more than one amendment in the nature of a substitute is adopted, only the last such amendment adopted will be considered as finally adopted and voted on for final passage.**

Where a special rule reported from the Committee on Rules limits the number of amendments and defines their order of consideration, it may also specify that if more than one amendment to the same text is adopted, only the last such amendment shall be considered as finally adopted. The procedure has been utilized both for consideration of bills in Committee of the Whole or in the House. The rule adopted on Nov. 8, 1993,<sup>(2)</sup> providing for the consideration *in the House* of H. Con. Res. 170, directing the President to the War Powers Act to remove U.S. Armed Forces from Somalia by a date certain, provides an example of the “King of the Mountain” procedure. The text of the

2. H. Res. 293, 139 CONG. REC. p. \_\_\_\_\_, 103d Cong. 1st Sess.

special rule reported from the Committee on Rules and adopted by the House was as follows (emphasis added):

MR. [TONY P.] HALL of Ohio: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the concurrent resolution shall be considered as adopted. *The previous question shall be considered as ordered on the concurrent resolution, as so amended, to final adoption without intervening motion except: (1) the further amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution; (2) the further amendment in the nature of a substitute printed in part 2 of the report of the Committee on Rules accompanying this resolution; and (3) one motion to recommit. Each of the amendments printed in the report of the Committee on Rules may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an*

opponent. All points of order against the amendments printed in the report are waived. *If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted.*

SEC. 2. The provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply during the remainder of the first session of the One Hundred Third Congress to a concurrent resolution introduced pursuant to section 5 of the War Powers Resolution (50 U.S.C. 1544) with respect to Somalia.

In his explanation of the rule of Nov. 8, 1993, Mr. Hall, managing the rule for the Committee on Rules, explained the provisions of the rule.<sup>(3)</sup>

MR. HALL of Ohio: Mr. Speaker, the rule provides that the Foreign Affairs Committee amendment in the nature of a substitute shall be considered as adopted. Under the rule, only two substitute amendments printed in the report to accompany the rule shall be in order. These amendments may be offered by Mr. Gilman or his designee, and Mr. Hamilton or his designee, and shall be considered in the order and manner specified. . . .

If more than one of the two amendments made in order is adopted, only the last amendment to be adopted shall be considered as finally adopted. This is in keeping with the agreed upon king-of-the-hill procedure. . . .

On the following day, when the House concurrent resolution was called up for consideration, the Speaker Pro Tempore<sup>(4)</sup> described

3. *Id.*

4. Jim McDermott (Wash.).



the operation of the amendment procedure as follows: <sup>(5)</sup>

THE SPEAKER PRO TEMPORE: All time for general debate has expired.

It is in order to consider the amendments in the nature of a substitute printed in House Report 103-328. The amendments may be offered only in the order printed and by a Member designated in the report, and shall be considered as read. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted.

Pursuant to the rule, it is now in order to consider the amendment in the nature of a substitute printed in part 1 of House Report 103-328.

For what purpose does the gentleman from New York rise?

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Speaker, I offer an amendment in the nature of a substitute.

THE SPEAKER PRO TEMPORE: The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Gilman: Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. FINDING THAT THE UNITED STATES ARMED FORCES IN SOMALIA ARE ENGAGED IN HOSTILITIES.

For purposes of sections 5(c) and 7 of the War Powers Resolution (50 U.S.C.

1544(c) and 1546), the Congress finds that the United States Armed Forces in Somalia are engaged in hostilities without a declaration of war or specific statutory authorization.

#### SEC. 2. REMOVAL OF ARMED FORCES FROM SOMALIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove the United States Armed Forces from Somalia by January 31, 1994.

THE SPEAKER PRO TEMPORE: Pursuant to the rule, the gentleman from New York [Mr. Gilman] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. Gilman].

MR. GILMAN: Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. Roth], a senior member of the Committee on Foreign Affairs.

In this instance, the second amendment considered under the "King of the Hill" procedure had more affirmative votes than the first amendment which was considered and which was also decided in the affirmative, but the result under the rule would have been the same even if the first amendment debated and voted on had received a larger number of "aye" votes than the second. The final proceedings on the concurrent resolution were as follows: <sup>(6)</sup>

THE SPEAKER PRO TEMPORE: The question is on the amendment in the

5. 139 CONG. REC. p. \_\_\_\_\_, 103d Cong. 1st Sess., Nov. 9, 1993.

6. *Id.* at p. \_\_\_\_\_.

nature of a substitute offered by the gentleman from New York [Mr. Gilman].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MR. GILMAN: Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently, a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 203, not voting 7. . . .

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: Pursuant to the rule it is now in order to consider the amendment in the nature of a substitute printed in part 2 of House Report 103–328.

#### PARLIAMENTARY INQUIRY

MR. GILMAN: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. GILMAN: Mr. Speaker, would the Chair explain to the House the procedure we are about to follow?

THE SPEAKER PRO TEMPORE: The Chair will reread his statement. Pursuant to the rule, it is now in order to consider the amendment in the nature of a substitute printed in part 2 of House Report 103–328.

MR. GILMAN: Mr. Speaker, am I correct—and I submit a rhetorical ques-

tion—that if there is a vote against the Hamilton amendment, it would be perceived to be support for the Gilman amendment, is that correct?

THE SPEAKER PRO TEMPORE: The Chair cannot characterize the meaning of Members' votes.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

MR. [LEE H.] HAMILTON [of Indiana]: Mr. Speaker, pursuant to the rule I offer the amendment in the nature of a substitute printed in part 2 of the report to accompany House Resolution 293.

THE SPEAKER PRO TEMPORE: The Clerk will designate the amendment in the nature of a substitute. The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Hamilton: Strike all after the resolving clause and insert the following:

#### SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from Somalia by March 31, 1994 (unless the President requests and the Congress authorizes a later date), except for a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens and noncombatant personnel to advise the United Nations commander in Somalia.

#### PARLIAMENTARY INQUIRIES

MR. [JOHN] LINDER [of Georgia]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. LINDER: Mr. Speaker, is it correct to say that a vote in favor of the Hamilton amendment will negate the Gilman amendment?

THE SPEAKER PRO TEMPORE: Under the rule, if both amendments are adopted, only the last amendment will be finally adopted. . . .

All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. Hamilton].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

MR. GILMAN: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 7. . . .

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 293, the previous question is ordered on the concurrent resolution, as amended.

The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: Concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia.”.

A motion to reconsider was laid on the table.

### ***Committee of the Whole Cannot Determine or Set Length of Votes in House***

**§ 58.6 The Committee of the Whole may not, even by unanimous consent, order that votes in the House on recommittal and final passage be conducted as five-minute votes following a 15-minute vote on a final amendment in Committee of the Whole.**

On Oct. 3, 1990,<sup>(7)</sup> the House had under consideration in Committee of the Whole the bill H.R. 4300, the Family Unity and Employment Opportunity Immigration Act of 1990. At the conclusion of the amendment process, an inquiry was addressed to Chairman George (Buddy) Darden, of Georgia:<sup>(8)</sup>

MR. [PAUL B.] HENRY [of Michigan]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HENRY: Mr. Chairman, there are a number of meetings back and forth with the White House and all. I understand we have a series of three

7. 136 CONG. REC. 27273, 101st Cong. 2d Sess.

8. *Id.*

votes, a vote on this Bryant amendment, then a vote on recommittal, and on final passage. Would it be possible to have the other two votes be 5-minute votes?

THE CHAIRMAN: The Chair does not have the authority in the Committee of the Whole. Under the rules pertaining to the Committee, the Chair respectfully denies the request of the gentleman.

MR. HENRY: I thank the Chair.

THE CHAIRMAN: The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. Bryant].

The question was taken, and the Chairman announced that the noes appeared to have it.

## F. DELEGATE VOTING

### § 59. Delegate Voting in the Committee of the Whole

The office of Delegate has its origins in an ordinance adopted by the Continental Congress, and the office was confirmed by law in August, 1789.<sup>(1)</sup> Delegates were permitted the right to debate, under the theory that a Congress could hear in debate anyone it chose. In the earliest Congresses, however, Delegates were not permitted to vote; but as the business of the House was increasingly considered in committees, Delegates were often named to committees and could participate in deliberations there. In 1841, a report relating to the qualifications of a Delegate from Florida, a gratuitous statement appears in the report: "With the single exception of

voting, the Delegate enjoys every other privilege and exercises every other right of a Representative. He can act as a member of a standing or special committee and vote on the business before such committees, and he may thus exercise an important influence on those initiatory proceedings by which business is prepared for the action of the House."<sup>(2)</sup>

In some later Congresses, the right to participate in committee deliberations and vote therein was curtailed.<sup>(3)</sup>

In the modern House, the right to membership and the privilege of voting in those committees to which named was affirmed by the 1970 Reorganization Act.<sup>(4)</sup>

1. 1 Hinds' Precedents § 400.

2. 2 Hinds' Precedents § 1301.

3. 2 Hinds' Precedents § 1300.

For a general discussion of the role of Delegates and their level of participation, see 2 Hinds' Precedents, §§ 1290–1306; 6 Cannon's Precedents §§ 240–246; Ch. 7 § 3.10, *supra*.

4. See Ch. 7 § 3.10, *supra*.